Attorney Docket No. 1014-065US01/JNP-0309

SHUMAKER & STEFFERT, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTROLLING DATA LINK LAYER ELEMENTS

The specification of which a. is attached houte			•
c. Was (in the case of a PCT-	3 as application serial no. 10/601, filed application) described and a hich I solicit a United States pate	laimed in international no	if applicable) or filed and as amended on (if any),
I hereby state that I have reviewed any amendment referred to above	ed and understand the contents of e.	the above-identified specificat	ion, including the claims, as amended by
I seknowledge the duty to disclo of Federal Regulations, § 1.56 (a	se information, which is material ttached hereto).	to the patentability of this appl	ication in accordance with Title 37, Code
I hereby claim foreign priority be certificate listed below and have that of the application on the base. a. no such applications have become such applications have become such applications have become such applications.	also is chained, below any foreign is of which priority is claimed; been filed.	tes Code, § 119/365 of any fore application for patent or inven	nign application(s) for patent or inventor's acrificate having a filing date before
FOREIGN	APPLICATION(S), IF ANY, C	LAIMING PRIORITY INDI	P 45 IISC & LIG
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, mouth, year)
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	AFFECATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUF. (day, month, year)
35, United States Code, 6 112, 14	s not assessed in the prior United	States application in the mann	and, insofar as the subject matter of each ter provided by the first paragraph of Title in Title 37, Code of Federal Regulations, international filing date of this application.
U.S. APPLICATION NUM	DATE OF FILING	(day, month, year)	STATUS
		·	

I hereby appoint Practitioners at Customer Number 28863 and the following Practitioners



Steven J. Shumaker	Reg. No. 36,275	Daniel J. Hanson	Reg. No. 46,757
Kent J. Sieffert	Reg. No. 41,312	Kelly P. Fitzgerald	Reg. No. 46,326
Jason D. Kelly	Reg. No. 54,213	David L. Clark	Reg. No. 37,082
Allen M. Lo	Reg. No. 37,059	Kari H. Bartingale	Reg. No. 35,183
Richard J. Gregson	Reg. No. 41,804	_	3 ,

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected between

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

SHUMAKER & SIEFFERT, P.A. 8425 Scasons Parkway, Suite 105 St. Paul, Minnesota 55125 Telephone: 651,735,1100 Facsimile: 651,735,1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may propardize the validity of the application or any patent issued thereon.

Full Name Of Inventor	Family Name Kokot	First Given Name Mathias	Second Given Name
Residence & Citizenship	City Medford	State or Poreign Country Massachusetts	Country of Citizenship
Post Office Address	Post Office Address 9 Clewley Road	City Medford	State & Zip Code/Country MA 01255/USA
nature of Inventor.		Date:	
			The transition of the second
Fuli Name	Family Name	Time Circ. No.	
Full Name Of Inventor	Family Name Rodler	First Given Name Hermann	Second Oiven Name
			Second Given Name Country of Citizenship Germany
Of Inventor Residence	Rodler City Oberhaching Post Office Address Mnumshmer Strasse 29 F	Hermann State or Foreign Country	Country of Citizenship

Signature of Inventor:

651-735-1102

Date:

Pull Name	Family Name	First Given Name	Second Given Name
Of Inventor	Molden	Kun	Second Given Name
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& Citizenship	Manchester	Massachuseus	USA
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Address	42 Masconomo Street	Manchester	MA 01944/USA
ignature of Inventor		Date	:
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Moisand	Jerome	
Residence	City	Sums or Foreign Country Massachusetts	Country of Citizenship
& Citizenship	Arlington		France
Post Office	Post Office Address	City	State & Zip Code/Country MA 02476/USA
Address	31 Hawthorne Avenue	Arlington	
ignature of inventor		Date	
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Gemmer	Thomas	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Munchen	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Hofangerstr. 130	Munchen	81735 Germany

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of condor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any existing claim. The duty to disclose all information. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which frand on the Office applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
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- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - Each inventor named in the application:
 - Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

The specification of which a.
is attached hereto

(if applicable) or

and as amended on

filed

b. Was filed on June 20, 2003 as application serial no. 10/601,131 and was amended on

c. \(\sum \) was (in the case of a PCT-filed application) described and claimed in international no.

(if any),

Attorney Docket No. 1014-065US01/JNP-0309

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I hereby state that I have r any amendment referred t	eviewed and understand the contents of o above.	the above-identified specifica	ation, including the claims, as amended b
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certificate listed below and	d have also identified below any foreign the basis of which priority is claimed: s have been filed.	es Code, § 119/365 of any fo application for patent or inve	reign application(s) for patent or invento intor's certificate having a filing date bef
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Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Kokot	Mathias	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Medford	Massachusetts	Germany
Post Office	Post Office Address 9 Clewley Road	City	State & Zip Code/Country
Address		Medford	MA 01255/USA
Signature of Inventor	r.	. Date:	

	Full Name Of Inventor	Family Name Rodler	First Given Name Hermann		Second Given Name
	Residence & Citizenship	City Oberhaching	State or Foreign Countr Germany	у	Country of Citizenship Germany
	Post Office Address	Post Office Address Muenshner Strasse 29 F	City Oberhaching		State & Zip Code/Country 82041 Germany
· ·	ature of Inventor			Date:	

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Post Off Address	42 Masconomo Street	City Manchester	State & Zip Code/Country MA 01944/USA
Signature of In-	ventor:	Date	
Full Nam	ne Family Name		
Of Inven		First Given Name Jerome	Second Given Name
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Post Offi Address	31 Hawthorne Avenue	City Arlington	State & Zip Code/Country MA 02476/USA
Signature of Inv	entor:	Date:	
Full Nam	e Family Name	First Given Name	
Of Invent	or Gemmer	Thomas Thomas	Second Given Name
Residence & Citizen	1	State or Foreign Country Germany	Country of Citizenship Germany
Post Offic Address	Post Office Address Hofangerstr. 130	City München	State & Zip Code/Country
	Hofangerstr. 130	München	81735 Germany

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C 442 (Tr. 1415 C 22 C)	ich 20, 2003 as application serial no. 10/601 f a PCT-filed application) described and a und for which I solicit a United States pate	_1	(if applicable) or filed and as amended on (if any)
			cation, including the claims, as amended by
I acknowledge the duty of Federal Regulations,	to disclose information, which is material § 1.56 (attached hereto).	to the patentability of this a	pplication in accordance with Title 37, Cod
a. \(\simega \) no such application	the basis of which priority is claimed:	tes Code, § 119/365 of any f application for patent or inv	oreign application(s) for patent or inventor or invent
	have been filed as follows:	·	
COUNTRY	DREIGN APPLICATION(S), IF ANY, C	LAIMING PRIORITY UNI	DER 35 USC § 119
COONTRI	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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COUNTRY	REIGN APPLICATION(S), IF ANY, FI	LED BEFORE THE PRIOR	ITY APPLICATION(S)
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	Full Name Of Inventor	Family Name Kokot	First Given Name Mathias	Second Given Name
	Residence	City	State or Foreign Country	y Country of Citizenship
	& Citizenship	Medford	Massachusetts	Germany
	Post Office	Post Office Address	City	State & Zip Code/Country
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Sign	ature of Inventor			Date:

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nature of Inventor		Date:	

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Signature of Invento	MAM		Date: 1/-/6-03
Full Name	Family Name	First Given Name	
Of Inventor	Moisand	Jerome Name	Second Given Name
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& Citizenship	Arlington	Massachusetts	
Post Office	Post Office Address 31 Hawthorne Avenue	City	State & Zip Code/Country
Address		Arlington	MA 02476/USA
Signature of Inventor		I	Date:
15.33			
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Gemmer	Thomas	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	München	Germany	Germany
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Hofangerstr. 130	München	81735 Germany
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PAGE 18/21

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b. Was filed on June 20, 2003 as application serial no. 10/601,131 and was amended on

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I acknowledge the duty to of Federal Regulations, § 1	disclose information, which is material .56 (attached hereto).	to the patentability of this a	pplication	in accordance with Titl	c 37, Code
that of the application on the	ority benefits under Title 35, United Stat I have also identified below any foreign he basis of which priority is claimed: have been filed.	es Code, § 119/365 of any f application for patent or inv	oreign app entor's ce	plication(s) for patent or rtificate having a filing	r inventor's date before
	eve been filed as follows:				
COLDEDA	REIGN APPLICATION(S), IF ANY, C	LAIMING PRIORITY UNI	DER 35 U	SC § 119	
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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim remaining under consideration in the application. There is no duty to submit information is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.